

REMARKS

The Official Action mailed July 23, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on July 14, 2006. However, the Applicant has not received acknowledgment of the Information Disclosure Statement filed on November 15, 2006 (received by OIPE November 20, 2006). In the Image File Wrapper for the present application, it appears that the above-referenced Information Disclosure Statement has been mislabeled as "Power of Attorney." Copies of the Form PTO-1449 and the International Examination Report are available in the Image File Wrapper under the heading, "Power of Attorney," and have a mail room date of "11-20-2006." The Applicant respectfully requests that the Examiner provide an initialed copy of the Form-1449 evidencing consideration of the "International Preliminary Examination Report (Application No. PCT/JP2005/000634) dated October 26, 2006."

Claims 1-3 were pending in the present application prior to the above amendment. Claims 1-3 have been amended to better recite the features of the present invention, and new claim 4 has been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-4 are now pending in the present application, of which claims 1-3 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 1 of the Official Action objects to a minor informality in claim 1. Specifically, the Official Action suggests changing "via the via the" to "via the." In response, claim 1 has been amended in accordance with the Examiner's suggestion. Reconsideration and withdrawal of the objections are respectfully requested.

Paragraph 3 of the Official Action rejects claims 1-3 as obvious based on the combination of U.S. Patent No. 5,790,527 to Janky and U.S. Publication No. 2001/0031624 to Schmutz. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1-3 have been amended to recite "wherein the call signal to be transmitted from the repeater wireless terminal to the repeater relay station, the call signal to be transmitted from the repeater relay station to the FDMA relay station and the call signal to be transmitted from the FDMA relay station to the FDMA wireless terminal are carried by using respective distinct signal formats," which is supported in the present specification, for example, by Figures 3A-3C and paragraphs [0021] and [0024] of the pre-grant publication of the

present application. For the reasons provided below, Janky and Schmutz, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action concedes that "Janky does not teach forwarding the call signal received by the repeater relay station to the FDMA relay station" (page 3, Paper No. 20080710). The Official Action relies on Schmutz to allegedly teach these features and asserts that it would have been obvious to modify Janky with Schmutz to efficiently acquire a communication session between terminals in a wireless communication network with two different operating systems (Id.). The Applicant respectfully disagrees and traverses this assertion.

Schmutz may refer to a signal transmission between a translator repeater station and a GSM base transceiver station. However, Schmutz fails to teach or suggest that a call signal is carried using three kinds of distinct signal formats for respective transmission paths from a calling terminal to a called terminal, and Janky does not cure these deficiencies.

Therefore, the Applicant respectfully submits that Janky and Schmutz, either alone or in combination, do not teach or suggest "wherein the call signal to be transmitted from the repeater wireless terminal to the repeater relay station, the call signal to be transmitted from the repeater relay station to the FDMA relay station and the call signal to be transmitted from the FDMA relay station to the FDMA wireless terminal are carried by using respective distinct signal formats."

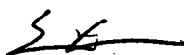
Since Janky and Schmutz do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claim 4 has been added to recite additional protection to which the Applicant is entitled. The features of claim 4 are supported in the present specification, for example, by Figures 3A-3C and paragraphs [0021] and [0024]. For at

least the reasons stated above, the Applicant respectfully submits that new claim 4 is in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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